

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. MCI WORLDCOM, INC., Respondent.	DOCKET NO. FCU-03-21
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ORDER POSTPONING HEARING AND RULING ON DISCOVERY ISSUES

(Issued June 24, 2004)

On June 22, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a supplement to its motion for discovery deadline and request for expedited ruling with an attached set of emails between the parties' attorneys. On June 23, 2004, a conference regarding scheduling was held in the Utilities Board offices. Mr. Craig Graziano was present representing the Consumer Advocate. Mr. Bret Dublinske was present representing MCI WorldCom, Inc.

The parties discussed whether there was a need to postpone the hearing, whether MCI needed additional time to respond to the Consumer Advocate's supplement, and several discovery requests by the Consumer Advocate. The undersigned made a number of rulings during the conference. The rulings are set forth in this order below.

IT IS THEREFORE ORDERED:

1. The hearing scheduled for June 29, 2004, is continued. The parties will provide their available July dates to the undersigned and the hearing will be rescheduled. The undersigned is not available on July 8, 9, 22, 23, 26, 27, and 28.

2. On or before July 1, 2004, MCI will provide the following additional detail regarding the answers to data requests 3 and 6 to the Consumer Advocate and will file a copy as a pre-filed exhibit. Using the answer to data request 3, MCI will provide an example that shows specifically how Debra Johnson was compensated. The answer will plug numbers into the basis for compensation and show, for example, how her salary was calculated for a typical day, pay period, or month. MCI will provide a more detailed, thorough answer to data request 6 that includes an example of how she was compensated. If the Consumer Advocate has follow-up questions regarding this information, it will ask them at the hearing rather than submitting additional pre-hearing questions to MCI.

3. On or before July 1, 2004, MCI will provide information that tells what quality control training Ms. Johnson received to the Consumer Advocate. This will include, but not be limited to, a copy of the form shown in Exhibit JMR-102 signed by Ms. Johnson, if one exists. If MCI is aware of supporting information regarding quality control training Ms. Johnson received but it cannot obtain the information and provide it to the Consumer Advocate by July 1, 2004, MCI will file an explanation of why it has not been able to obtain the information, the efforts made to obtain the

information, what information exists, and a statement of when it can provide the information to the Consumer Advocate.

4. On or before June 28, 2004, Mr. Dublinske will file a written statement as to whether or not MCI will voluntarily provide reference checks from Ms. Johnson's personnel file to the Consumer Advocate. If MCI will not voluntarily provide this information, it must state why and provide legal authority for its position.

5. Once it receives Ms. Johnson's personnel file, MCI will voluntarily provide a copy of her resume, employment application, and any compensation records that exist in the personnel file to the Consumer Advocate. MCI has requested the personnel file from Reese twice, and will ask Reese when it will provide the file. If MCI cannot obtain the personnel file and provide the information to the Consumer Advocate by July 1, 2004, MCI will file an explanation of why it has not been able to obtain it, the efforts made to obtain it, and a statement of when it can provide this information to the Consumer Advocate.

6. Once MCI receives the personnel file, Mr. Dublinske will review it and determine whether there is anything in the file that relates to Ms. Johnson's reputation for truth and veracity. If there is, MCI will turn over the information to the Consumer Advocate, unless MCI takes the position there is a reason not to turn over the information. If MCI takes this position, it must file a statement explaining why and providing legal support for its position.

7. The Consumer Advocate's request for Ms. Johnson's complete personnel file is denied.

8. If the Consumer Advocate has follow-up questions based on the information it receives from MCI, Mr. Graziano will ask them at the hearing rather than submitting additional pre-hearing questions to MCI. If the Consumer Advocate believes follow-up questions must be asked prior to the hearing, Mr. Graziano will request a conference call with the undersigned to discuss the matter. There will be no new discovery requests made by either party.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 24th day of June, 2004.